

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

HILDA LOPEZ, et al.,	)	
	)	
Plaintiffs,	)	7:09CV5003
	)	
vs.	)	ORDER
	)	
IOAN DASCAL,	)	
	)	
Defendant.	)	

This matter is before the court *sua sponte*.

On December 30, 2009, the plaintiffs filed a Second Amended Complaint ([Filing No. 24](#)). The plaintiffs filed the Second Amended Complaint without leave of court or a motion seeking leave of court. Additionally, there is no evidence in the record the plaintiffs obtained written consent from the opposing party. Moreover, the plaintiffs' amended complaint appears as a voluntary dismissal of certain plaintiffs and their claims. Finally, the plaintiffs filed the Second Amended Complaint outside the August 7, 2009, deadline for filing motions to amend. **See** [Filing No. 15](#) - Initial Progression Order. For these reasons, the plaintiffs' filing is in violation of both the local and federal civil rules of procedure. **See** [NECivR 15.1](#); [Fed. R. Civ. P. 15\(a\)](#), [16\(b\)](#), and [41](#). Failure to comply with these rules may result in the court striking the plaintiffs' Second Amended Complaint. The court will allow the plaintiffs a brief period to either comply with rules of procedure or otherwise show cause why the amended complaint should not be stricken. Accordingly,

**IT IS ORDERED:**

The plaintiffs shall have to **on or before January 15, 2010**, to show cause why the Second Amended Complaint should not be stricken.

DATED this 4th day of January, 2010.

BY THE COURT:

s/ Thomas D. Thalken  
United States Magistrate Judge